

REMARKS***Amendment to the Claims***

Claims 12 and 15 are amended. New Claim 17 is added. Support for amendments of Claims 12 and 15 can be found throughout the specification, for example on page 14, line 16 to page 15, line 4. Accordingly, Applicants submit no new matter by these amendments.

Response to Restriction Requirement

The Examiner alleges that the instant application contains inventions that are not so linked as to form a single general inventive concept and requires the applicants to elect a single group from the following:

Group I, claim(s) 15, drawn to an assay using an amino acid sequence.

Group II, claim(s) 16, drawn to an assay using a nucleic acid sequence.

Group III, claim(s) 12-14, drawn to a diagnostic kit.

Applicants provisionally elect Group I with traverse. Applicants understand that linking claims 1-11 will be examined along with the elected claim(s). Upon the indication of allowability of the linking claims, the restriction requirement as to the linked inventions will be withdrawn and any claims depending from or otherwise requiring all the limitations of the allowable linking claims(s) will be rejoined and fully examined for patentability.

The Examiner's restriction requirement appears to be based on the allegation that no special technical feature exists for Group I claim(s) in view of Johansson et al., *Vaccine* 1995, 13:841-845 ("Johansson"), which allegedly discloses an assay for detecting anti-neuraminidase antibodies.

Applicants respectfully disagree. In particular, the present invention provides diagnostic methods for detecting infection with an avian influenza virus of a specific epidemic strain. Johansson neither teaches nor suggests the claimed diagnosis methods. Instead, Johansson merely discloses that neuraminidase protein expressed recombinantly in insect cells may be useful as a vaccine.

In view of the above, applicants respectfully request that the restriction requirement be withdrawn.

CONCLUSION

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 404172000300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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